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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		YOR920010144US1 / I31-0001	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number	Filed	
	09/865,967	May 25, 2001	
	First Named Inventor		
	Carol J. Dose		
	Art Unit	Examiner	
	2166	S.T. Channavajjala	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/>	applicant/inventor.	<u>Marisa J. Dubuc</u> Signature	
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/36)	Marisa J. Dubuc Typed or printed name	
<input checked="" type="checkbox"/>	attorney or agent of record. Registration number 46,673	(860) 286-2929 Telephone number	
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	November 2, 2005 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/>	*Total of _____ forms are submitted.		

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FILES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: CAROL J. DOSE, ET AL. )  
Serial No. 09/865,967 ) Group Art Unit: 2166  
Filed: May 25, 2001 ) Examiner: S.T.  
For: SYSTEM AND METHOD FOR PERFORMING ) Channavajjala  
RATIO PLANNING )

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Pre-Appeal Brief Request for Review**

In response to the Final Office Action dated August 2, 2005, and in conjunction with the concurrently filed Notice of Appeal, the Applicants submit the following for entry in the above-identified application.

REMARKS

Claims 1-45 are pending in the instant application. The Examiner has rejected claims 1-13, 15-27, and 32-44 under 35 U.S.C. 103(a) as being allegedly unpatentable over Renslo et al., U.S. Patent No. 5,556,890 (hereinafter "Renslo") in view of Young et al., U.S. Patent No. 5,778,049 (hereinafter "Young"). The Examiner has further rejected Claims 14, 28-31, and 45 under 35 U.S.C. 103(a) as being allegedly unpatentable over Renslo and Young as applied to claims 1, 15, and 32, further in view of U.S. Patent No. 6,671,689 issued to Papierniak.

The Applicants submit that the rejections of claims 1-45 are in error because the Examiner has not met the burden of establishing a *prima facie* case of obviousness in contravention of the provisions of 35 USC 103.

As to claims 1, 15, and 32, the Examiner states that the recited feature "creating a pre-defined ratio planning report template, wherein said report template includes a coefficient of variation field" corresponds to Figure 9 of Renslo. In contrast to claim 1, Figure 9 of Renslo is directed to "an access screen used for reviewing past forecasts". (Renslo, col. 2, lines 31-32). Figure 9 of Renslo shows an access screen, not a template, and it is not for planning, but for reviewing past forecasts. The Examiner responds on page 10 of the Final Office Action dated August 2, 2005, stating "Renslo teaches various functions related to forecast, especially forecast menu [fig 3], report menu [fig 5] that allows to create required templates or create customized menu type screens [see col 3, line 45-46]." The Applicants submit that the Examiner has mischaracterized the teachings of Renslo with respect to Figure 5. The subject

Figure illustrates "a schematic diagram showing a functionality mapping of the reports screens" (col. 2, lines 20-21) that enable "report[ing] functions 36 which run many different types of forecast reports" (col. 3, lines 52-54). Thus, Renslo is entirely devoid of teaching any type of report template as suggested by the Examiner. It would logically follow, therefore, that Renslo does not teach or suggest a coefficient of variation field included in the template, as recited in claim 1. Further, it would follow that Renslo does not teach or suggest creating a populated database for said report template" as recited in Applicants' claims 1, 15, and 32. Young fails to teach these features as well. Accordingly, the combination of Renslo and Young would not teach or make obvious the features recited in Applicants' claims 1, 15, and 32. Accordingly, because the combination of Renslo and Young do not teach or make obvious these features, the rejections of claims 1, 15, and 32 are improper.

Furthermore, the Applicants submit that the proposed combination of Renslo and Young results in an inoperative device and, thus, teaches away from the combination and not rendering the claimed invention obvious. The Office Action proposed incorporating the "service engineering templates (SETs)" of Young into Renslo to teach the element "input to said pre-defined ratio planning report includes said report template" in claim 1. However, "[e]ach SET comprises data pertaining to the deployment, installation, performance, maintenance, service and testing of telecommunications service." (Young, col. 6, lines 3-5). Renslo produces reports showing forecasts of product demand from input such as revenue and price. (Renslo, figures 5 and 10; col. 3, lines 53-55). Revenue and price are not part of the SETs of Young. Young is generally directed to a centralized information system pertaining to

deployment, installation, performance, maintenance, service, and testing of telecommunications products and services. (Young, col. 1, lines 6-10). Therefore, without the revenue and price data, a report, such as figure 10 of Renslo could not be produced.

In view of the foregoing, it is urged that the final rejection of claims 1-45 be overturned. The final rejection is in error and should be reversed. The fee set forth in 37 C.F.R. 41.20(b)(1) is enclosed herewith. If there are any additional charges with respect to this Request, or otherwise, please charge them to Deposit Account No. 50-0510.

Respectfully submitted,

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